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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,487	10/19/2005	Claudio Lacagnina	07040.0216-00000	4964
22852	7590	03/04/2010		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413				
EXAMINER				
KNABLE, GEOFFREY L				
ART UNIT		PAPER NUMBER		
1791				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/530,487

Applicant(s)

LACAGNINA, CLAUDIO

Examiner

Geoffrey L. Knable

Art Unit

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-61 and 63-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34-61 and 63-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date 2/16/10
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 54-57, 59-61, 63 and 66 are rejected under 35 U.S.C. 102(e) as being anticipated by WO 02/094545 to Marangoni (of record; newly applied).

As to claim 54, WO '545 discloses an apparatus for assembling tyres for vehicle wheels, comprising: first and second primary drums (17 in figs. 8/10) each supported/controlled by actuating assemblies and arranged to support a carcass being built; an auxiliary drum (20) for carrying the belt structure, a transfer member (21) for moving the belt to the carcass, at least one unit (e.g. 40) for applying a tread band (22) onto a belt structure; and at least one unit (25) for applying a pair of sidewalls; wherein the carcass structure comprises at least one carcass ply (5) in engagement with annular anchoring structures (3/4) axially spaced apart from each other, wherein at least one of the units for applying the tread band, at least one of the units for applying the pair of sidewalls, or at least one of the units for applying the tread band and at least one of the units for applying the pair of sidewalls comprises at least one delivery member, and wherein the at least one delivery member lays down at least one continuous strip element of elastomer material in contiguous circumferential coils on the carcass structure (note strip wound tread/sidewalls in fig. 11 as well as esp. pages 10-11).

Further, given the independent operation of the drums (17), they are also independently controllable and movable and can interact sequentially with the carcass, tread and sidewall building devices (this claim language not being read to require any particular order of steps). An apparatus as required by claim 54 is therefore anticipated.

As to claims 55-56, winding an extruded strip is suggested (page 10, lines 12+), this strip being delivered to the tire being assembled on a rotating drum with relative transverse displacements (e.g. page 11, lines 5+). As to claim 57, as the drum can be moved from the strip winding station, it can be moved relative to a delivery member. As to claim 59, note carriage 57. As to claim 60, devices for building the carcass on the drum are provided (e.g. station 30), the drum being movable away from this position to an extruder (in for example station 40). As to claim 61, strip winding both the tread and sidewalls are suggested (e.g. fig. 11) and thus respective delivery members are implicit. As to claim 63, two stage forming/assembling using two drums is contemplated (page 9, lines 24+). As to claim 66, the transfer member 21 moves the belt to the carcass on the drums 17.

3. Claims 34-42 and 45-53, 64 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 02/094545 to Marangoni (of record; newly applied).

WO '545 discloses a method of assembling tyres for vehicle wheels, comprising: assembling a carcass structure on first and second primary drums 917) and shaping the carcass to a toroidal configuration for joining with the belt (at station 39) picked up by transfer 21 from auxiliary drum 20, applying a tread band onto the belt structure (at 40); and applying a pair of sidewalls to the carcass structure on opposite sides of the

carcass structure (by 25); wherein the carcass structure comprises at least one carcass ply in engagement with annular anchoring structures (3/4) axially spaced apart from each other, wherein the belt structure comprises at least one belt layer, and wherein at least one of applying the tread band and applying the pair of sidewalls is carried out by winding up at least one continuous strip element of elastomer material in contiguous circumferential coils around the carcass structure (e.g. fig. 11). Further, as noted above, the first and second primary drums 17 are independently carried and movable to the various stations and the process would be cyclically carried out to build each successive tire. To ensure high productivity and low downtime, it would have been obvious to dispose the carcass on one drum before completion of the steps on the other drum. The method of claim 34 is therefore obvious from WO '545.

As to claims 35 and 36, strip winding both the tread and sidewalls is suggested by WO '545 as already noted. As to claims 37-39, both tread over sidewall and sidewall over tread constructions are described (page 18, lines 5+). As to claims 40-42, winding an extruded strip is suggested. As to claims 45-47, the drum is moved by the carriage between stations including the extrusion stations. As to claims 48-49, two stage forming/assembling using two drums is contemplated [page 9, lines 4+). As to claim 50, as already noted, two stage building is suggested, it being obvious to transfer the belt at any appropriate stage. As to claim 51 and 65, inclusion of run-flat sidewall inserts that extend from the belt to the beads are taken to be well known and obvious in this art to enable run-flat tire performance. As to claim 52, pressing components applied during tire building is well known and obvious to ensure bonding and air exclusion. As to

claims 53 and 64, whether the tire being built is stored between stages of assembly would have been readily and routinely selected by the artisan dictated by manufacturing, space, etc. concerns - only the expected and predictable results would have been achieved.

4. Claims 43, 44, 57 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 02/094545 to Marangoni (of record; newly applied) as applied above, and further in view of at least one of [Caretta et al. (US 2001/0042586) and Oku et al. (US 2006/0096696)] substantively applied for the same reasons as set forth in the last office action.

5. Applicant's arguments have been considered and are persuasive with respect to the previous rejection but are moot in view of the new ground(s) of rejection necessitated by the claim amendments.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Geoffrey L. Knable/
Primary Examiner, Art Unit 1791

G. Knable
March 1, 2010